

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 in order to further clarify the subject matter of the present invention. Support for the amendment to claim 1 may be found, for example, in Fig. 1 of the drawings. In addition, claims 6 and 7 have been cancelled, without prejudice. No new matter has been added.

Applicants note with appreciation the granting of an interview with the Examiner on October 18, 2007, during which time the new amendment to claim 1 was discussed in relation to the cited prior art. Applicants note that during the interview, the Examiner agreed that the amendment to claim 1 appeared to overcome the cited prior art references, although the Examiner also stated that a further search of the prior art will be conducted.

An RCE is being filed concurrently with this Amendment.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1 And 5-7 Under 35 U.S.C. § 102

Claims 1 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA") in view of Anzai (JP 11-273739). Applicants respectfully traverse these rejections for at least the following reasons.

With regard to the present invention, amended claim 1 recites, in-part, an electrode group for a secondary battery wherein the insulating member is interposed between the separator and the single side exposed current collector part.

One feature of the present invention can be seen in Fig. 1 which shows the insulating member 5 located between the current collector and the separator and not between the positive and negative material mixture layers. As a result of this arrangement, short circuiting resulting from step portions in the winding formed by the lead and end of the separator may be prevented.

It is admitted in the Office Action that the AAPA fails to disclose an insulator interposed between the separator and the single side exposed current collector part. However, it is alleged that it would be obvious to combine the insulator of Anzai with the battery of the AAPA to obtain the battery of claim 1.

However, in contrast to the present invention, Anzai explicitly states in the Abstract and in paragraphs [0036] and [0038] of the English translation that the ionic insulators 19 and 20 are arranged *between the positive mixture layer 18 and the negative mixture layer*. As such, Anzai fails to disclose an electrode group having an insulating member interposed between the separator and the single side exposed current collector part. The present disclosure specifically describes the problems with a battery having an insulator arranged as disclosed in the Anzai reference. Page 3, lines 3-18 of the specification recites:

“the technique [disclosed in Anzai] of arranging an ionic insulator between an end of the positive electrode material mixture layer and the negative electrode material mixture layer opposing thereto...is intended to control the charge reaction itself involving the intercalation-deintercalation of lithium ions by the ionic insulator to inhibit the positive electrode potential from locally increasing and prevent the internal short circuit. However, according to this technique, an internal short circuit...cannot be prevented because the ionic insulator is arranged between the

positive and negative electrode material mixture layers. Further, since the ionic insulator directly covers the positive or negative electrode material mixture layer, the electrode reaction is inhibited and the capacity decreases.”

Thus, as Anzai fails to disclose an insulator arranged between the separator and the single side exposed current collector part, it will not prevent short-circuiting as described in specification. Moreover, Anzai is silent with regard to the problems associated with step portions in the battery winding causing short circuit. Accordingly, in addition to the fact that the Anzai fails to disclose an insulator arranged between the separator and current collector part, it also would not be obvious to combine Anzai and the AAPA to obtain the electrode group as recited in claim 1, because the prior art shows no sufficient motivation to arrange the insulator in the manner recited in the present disclosure.

As is well known, in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As the AAPA and Anzai, at a minimum, fail to describe an electrode group for a secondary battery wherein the insulating member is interposed between the separator and the single side exposed current collector part, it is submitted that the AAPA, alone or in combination with Anzai, does not render claim 1 obvious. Accordingly, it is respectfully requested that the § 103 rejection of claim 1 be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*,

Application No.: 10/664,879

819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
Date: October 29, 2007

**Please recognize our Customer No. 53080
as our correspondence address.**